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Notice of Allowability

Application No.

09/411,642

Examiner

Raymond J. Bayerl

Applicant(s)

NITSCHKE, GENE M.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appellant's brief on appeal, filed 31 May 2005.
2. ☒ The allowed claim(s) is/are 1 - 21.
3. ☒ The drawings filed on 4 October 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

3 August 2005

Art Unit: 2173

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Luo on 1 August 2005.

3. The application has been amended as follows:

In the Claims:

Claim 1, as amended:

A system that assembles a dedicated user interface that allows an input segmented image to be manipulated comprising:

a segmentation classification association circuit that associates a segmentation classifier and at least one segment of the input segmented image; and

an image processing tool association circuit that determines at least one image processing tool corresponding to the segmentation classifier,

the at least one image processing tool allowing a user to manipulate the input segmented image via the dedicated user interface.

Claim 10, as amended:

A storage medium that stores information, the information controlling assembly of a dedicated user interface that allows manipulation of an input segmented image and comprising:

information that associates a segmentation classifier and at least one segment of the input segmented image; and

information that determines at least one image processing tool corresponding to the segmentation classifier,

wherein the at least one image processing tool allows a user to manipulate the input segmented image via the dedicated user interface.

Claim 12, as amended:

A method of assembling a dedicated user interface for manipulation of an input segmented image comprising:

determining a segmentation classifier associated with at least one segment of the input segmented image; and

associating at least one image processing tool with the at least one segment of the input segmented image,

wherein the at least one image processing tool allows a user to manipulate the input segmented image via the dedicated user interface.

4. The above Examiner's amendment was made to help distinguish the "segmented image"-processing "user interface" arrangement from the prior art in which simply assignment *per se* of tools is achieved—the claims now include, in their bodies, a recitation that the "image processing tool" facilitates the user's manipulation, in the created "interface".

5. The following is an examiner's statement of reasons for allowance:

The Examiner has carefully reconsidered the three independent claims 1, 10, 12, responsive to appellant's brief on appeal filed 31 May 2005. As a result of this reconsideration, it is deemed that the invention claimed in each instance was not taught nor suggested by the prior art made of record.

Specifically overcome is the previously-outstanding rejection under 35 USC 103 that uses the combination of Yair (US #5,787,194) and Goldberg (US #6,341,183 B1). While it is true that Yair works with an image that is segmented into classes of connected image components, Yair does not teach or suggest that a "dedicated user interface" is produced via "image processing tool association", this "allowing a user to manipulate the segmented image" (claim 1 quoted as exemplary).


Goldberg, admittedly, teaches a toolbox of real-time analysis applications that are applied to an acquired image, only the tools are not disclosed as being associated on the basis of a "segmentation classification" that is derived from an "input segmented image".

Motivation is lacking in the assignment of Goldberg tools to Yair image segments, since the person having ordinary skill in the art would not look to the kind of image manipulation presented in Goldberg's image acquisition from a CCD camera when confronted with Yair's teaching of identifying groups of textual characters.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references cited on the attached form PTO-892 are derived from the list of US Patent documents that appears on page 3 of the specification, to illustrate "exemplary segmentation techniques". They are listed here so as to complete the set of citations that appears within the Image File Wrapper.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. In responding to this office action, please note that the examiner of record for the above identified application has changed. Any further inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.
10. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

3 August 2005